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SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 March 2001, at 6 p.m.

Chairperson: Mr. DESPOUY (Argentina)

later: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)
Vice-Chairperson

later: Mr. DESPOUY (Argentina)

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The meeting was called to order at 6 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/17, 18 and 19)

1. Mr. SALEK (World Federation of Democratic Youth) said that Western Sahara, as one of the territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied, still faced a unique and painful situation, while its resources were being exploited and its people's human rights violated. After 15 years of war, the United Nations had granted Western Sahara the right to self-determination under a Settlement Plan that was to have led to a referendum by 1992. Special envoys had been sent to organize the referendum, and the Identification Commission had identified over 60,000 people, but the Plan had encountered many problems. Despite that, the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and the Kingdom of Morocco had eventually agreed, in the Houston Accords, to come to a comprehensive legal settlement.

2. He wondered whether the purpose of spending all that time and money had been to bring out the truth or to legitimize the occupation. In fact, what had happened was that the future of the people of Western Sahara had been suspended indefinitely. The responsibility for that lay with the Kingdom of Morocco, which had failed to guarantee their rights. The people of Western Sahara were waiting impatiently to exercise their right to self-determination.

3. Ms. LUPING (Cairo Institute for Human Rights Studies), speaking also on behalf of the Palestinian Society for the Protection of Human Rights and the Environment (LAW), said that the ideals of tolerance and an end to discrimination were not shared by Israeli political and military leaders, who believed that enjoyment of the Jewish right to self-determination required the violation of the Palestinians' right to self-determination.

4. Contrary to what it claimed, Israel continued to exercise ultimate control over the occupied territories, in defiance of relevant United Nations resolutions. Only certain civil government and policing functions had been transferred to the Palestinian Authority, and only in relation to designated areas A; and the Palestinian Authority was obliged to communicate all legislation to the Israeli Government. The Israeli military retained control over security matters in areas B and C. In addition, Israel continued to issue military orders affecting the territories and military courts continued to administer justice. The areas within the occupied territories were not contiguous and some towns and villages were under siege. Israel controlled Palestinian foreign policy and access to goods and services, including humanitarian aid. Its policies were crippling the Palestinian economy and impeding its right to development.

5. Israel had failed to meet its obligations under international human rights law and humanitarian law, and she called upon the Commission and the international community to take steps to ensure that Israel adhered to the terms of Security Council resolutions 242 (1967) and 338 (1973) and ended its denial of Palestinians' right to self-determination.

6. Mr. RAJKUMAR (Pax Romana) said that self-determination, being defined as a fundamental human right in the two principal human rights Covenants, had a key place in the holistic approach advocated by the United Nations High Commissioner for Human Rights in her opening statement to the Commission at the current session.

7. Universal realization of the right to self-determination required the abolition of discriminatory categorizations of people into, for example, "minorities" or "indigenous peoples", and of the artificial distinction between external and internal colonization. Internal colonization was institutionalized and State-sanctioned discrimination practised against communities that were in some way "different" from the majority. Such communities were prevented from controlling their own destiny by structural inequalities in access to services and resources and in the exercise of human rights and power. It was regrettable that the right to self-determination as a means of achieving non-discrimination had been omitted from the draft declaration and programme of action of the World Conference against Racism.

8. The realization of the right to self-determination could prevent conflicts arising out of the violation of other human rights. It was the lack of preventive mechanisms that had been indirectly responsible for tragic situations such as in Kosovo and Chechnya, for example. Pax Romana therefore recommended that the Commission should request the Sub-Commission on the Promotion and Protection of Human Rights to prepare a working paper on the implementation of the right to self-determination as a contribution to international peace and security, including in an internal colonization context.

9. Mr. AHMAD (World Muslim Congress) said that current conflicts such as those in Kashmir, Palestine, Kosovo and Chechnya had arisen largely as a result of the denial of the right to self-determination. The root cause of the current situation in Kosovo, for example, was the unjust refusal of the victorious Powers to give Kosovars a national home at the end of World War I; the people of Palestine, furthermore, had experienced 33 years of alien occupation.

10. Kashmir had now been occupied by India for 53 years. Its people had been deceived by India's promises to allow them to decide their own political future. The purpose of those so-called undertakings had been to gain time for India to tighten its hold on the country. India had rejected all the efforts of the Kashmiri people to negotiate their status peacefully, and had used violence and terror to defeat passive resistance and distortion of facts to obfuscate the issues. Its 700,000-strong occupation force could invade and ransack homes, torture detainees and burn down property with impunity. The Kashmiri people wanted freedom to exercise their right to self-determination, the release of those unjustly imprisoned and the trial of those guilty of crimes against humanity. They requested the moral, political and material support of the freedom-loving peoples of the world and of the members of the Commission.

11. Mr. QADRI (World Muslim League) said that the denial of self-determination undermined all other fundamental human rights and was responsible for the persistent threat of war and conflict. The key to lasting peace and stability in areas such as the Middle East and Kashmir was the freedom to exercise the right to self-determination.

12. In Kashmir, for example, the human rights situation had become acute. The Indian occupying forces had killed over 80,000 innocent Kashmiris, while India prevented the

Commission from taking action by claiming to be seeking bilateral talks with Pakistan. In fact it was blocking the political process by refusing to recognize the Kashmiri leadership or include it in any dialogue with Pakistan. The dispute would never be resolved unless and until all parties were involved in the process. He urged the Commission to help the people of Kashmir realize their right to self-determination by calling upon India to end repression in the territory, allow visits by international monitors and human rights mechanisms, and open the political process with Pakistan and the Kashmiri leadership simultaneously.

13. Mr. BARNES (Indigenous World Association) said that, following the discovery of documents predating Russia's sale of Alaska to the United States it had become clear that Russia had had no title to the territory and therefore no right to sell it. Moreover, in a series of diplomatic communications dating from the early nineteenth century, the United States had fully recognized that title to the lands was held by the indigenous peoples of Alaska, as independent tribes inhabiting an independent territory. However, the United States now claimed that Russia had had dominion over Alaska and had therefore been entitled to cede the territory. Alaska had been placed on the United Nations list of Non-Self-Governing Territories in 1946, but had been removed from the list in 1959 without consultation with its independent tribes.

14. Alaska's independent tribes deserved recognition as traditional indigenous Governments with the right to exercise international sovereign status. As a representative of the Indigenous Peoples and Nations Coalition, he protested against the Millennium Agreement that required the so-called "federally recognized tribes" to recognize the sovereignty of the State of Alaska. The Agreement was merely the latest in a long line of colonial machinations on the part of the United States. He formally requested the appointment of a special rapporteur to examine the Millennium Agreement and the colonial situation in Alaska.

15. Ms. DI POGGIO (International League for the Rights and Liberation of Peoples) said that, despite meetings on confidence-building measures, held in late 2000 between the President of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), LTTE's unilateral ceasefires and calls for the de-escalation of the armed conflict had been rejected out of hand by the Sri Lankan Government. Indeed, the Government had taken advantage of the truce to step up its military offensive and security forces had engaged in severe action against peace protesters urging the Government to negotiate.

16. The notion of self-determination needed updating. It was usually defined in relation to colonization and current struggles for self-determination therefore remained outside the framework of international law. The Tamils' struggle was a case in point: although the conflict had started following independence in 1948, the Government had stepped up its repression only after the 1977 elections, when more than 75 per cent of Tamils had voted for independence.

17. Mistrust was a natural consequence of a 20-year conflict, but common ground must be found at the negotiating table. Her organization appealed to the Commission to urge the Government of Sri Lanka to reciprocate the LTTE ceasefire, lift the economic blockade and agree to negotiate a just and acceptable peace.

18. Ms. PARKER (International Educational Development) said that the people of Western Sahara did not need to accept anything less than full sovereignty and she called upon

the Commission to reject the "third way" solution to the referendum impasse proposed by Morocco. Referring to the report of the Special Rapporteur on the question of the use of mercenaries (E/CN.4/2001/19), she said that no mention had been made of the situation in the Moluccas, where the Indonesian authorities had used a heavily armed mercenary group to crush the Moluccan people's claim to self-determination.

19. Some countries had a disturbing tendency to label groups involved in self-determination struggles as "terrorists", in order to divert attention from self-determination claims that conflicted with their own foreign policy objectives or to be able to intimidate members of the groups or human rights activists with the threat of "anti-terrorist" measures. Moreover, the "terrorist lists" drawn up by some States, including States whose own military adventurism had produced untold human suffering, often contained an overwhelming number of Islamic groups, many of them involved in situations where there was an internationally recognized right to self-determination. The conflict in Kashmir was one example of an attempt to reduce a legitimate claim to self-determination to an issue of terrorism. The region could never know peace and stability as long as such politically-motivated labelling continued. The practice also deterred humanitarian relief efforts and undermined action on genuine terrorism.

20. Mr. SAFI (International Islamic Federation of Student Organizations) said that the Kashmir dispute was a threat to the peace and security of the entire South Asia region. He wondered how long the United Nations would stand by and watch, and how long the Kashmiris would wait for meaningful talks between India and Pakistan. Fifty-four years had passed, but the right to self-determination did not lapse with the passage of time and could not be extinguished by brute force. India enforced its authority over Kashmir solely through military power and coercion. That was what had driven Kashmiri youth to other means than protest demonstrations.

21. India could not claim that the will of the people of Jammu and Kashmir had been ascertained by the holding of elections, because Security Council resolution 122 (1957) had rejected any such action as a substitute for a free and impartial referendum. His organization urged that the impediments to the realization of Kashmiris' right to self-determination should be removed without further delay or loss of life, and that the United Nations High Commissioner for Human Rights should be asked to report to the Commission on the progress made in implementing United Nations resolutions on Kashmir and ending all human rights abuses in the territory.

22. Mr. IBARRA (International Indian Treaty Council) said that the debate on indigenous peoples' right to self-determination had begun at a United Nations seminar on recourse procedures and other forms of protection available to victims of racial discrimination, held in Nicaragua in 1981. Participants had discussed the idea of the right to self-determination of a group with a defined territory within a State, and self-determination had been deemed a prerequisite for indigenous peoples' exercise of their fundamental rights and their ability to preserve and develop their culture for future generations. Later, self-determination had been made central to the draft declaration on the rights of indigenous peoples produced by the United Nations.

23. The denial of the right to self-determination in one or other of its forms was, directly or indirectly, central to the more than 50 armed conflicts currently being waged around the world.

Any restrictive interpretation of that right impaired fundamental rights and freedoms because it amounted to a denial of indigenous peoples' land and territorial rights and of their right to preserve and pass on their heritage. The tragedies and conflicts thus created could have been avoided, but the debate on the various forms of the right to self-determination was beset by spectres from the past that made it difficult to establish harmony. In order to document the historical aspects of the issue and assess the development of international law on self-determination, his organization considered that the Sub-Commission on the Promotion and Protection of Human Rights should be requested to carry out a comprehensive review of existing studies on the subject.

24. Mr. BERNALES BALLESTEROS (Special Rapporteur on the question of the use of mercenaries) said it was generally agreed that the principle of self-determination was at the basis of the United Nations system. Yet there remained many situations where the principle was not applied, and he reminded members of the Commission that the use of mercenaries was one of the chief threats to that principle and therefore to the exercise of individual human rights. The greatest problem was impunity: in practice, mercenaries were never prosecuted, for, although the International Convention against the Recruitment, Use, Financing and Training of Mercenaries had been adopted in 1989, it had not yet entered into force. It was impossible to combat illicit mercenarism, and thereby defend the right to self-determination, unless the required number of States ratified the Convention. He hoped that number would be reached by the end of the current session of the Commission.

25. Mr. PRASAD (India), speaking in exercise of the right to reply, said that the statement by the representative of Pakistan had shown how Pakistan distorted the principle of self-determination in order to further its own agenda of territorial aggrandizement. Self-determination was a right applicable to the peoples of non-self-governing colonies and trust territories and one that, as stated in the Vienna Declaration and Programme of Action, should "not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States". Self-determination enabled a whole people freely to choose their own form of government and participate collectively in national decision-making through democratic institutions. It was incumbent on the international community to remind Pakistan of that aspect of self-determination, a right which it had denied to its own people for most of its history.

26. The root cause of the problem in Jammu and Kashmir was cross-border terrorism encouraged, planned and financed by Pakistan and carried out from its territory. He was appalled that the representative of Pakistan should try to elevate terrorists and murderers, brought from Pakistan to the Indian State of Jammu and Kashmir and responsible for large-scale violations of human rights, to the level of great world leaders and freedom fighters.

27. Pakistan had no credentials to preach to others on the right to self-determination. It should ensure the rights of its own unfortunate people and the people of those parts of the Indian State of Jammu and Kashmir now under illegal foreign occupation and ruled as virtual colonies. For those reasons, the choice of Pakistan as spokesperson of the Organization of the Islamic Conference (OIC) on the issue of self-determination was, to say the least, unfortunate.

28. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that India's denial of the Kashmiri people's human rights, especially the right to self-determination, was a violation of the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the basic principles of the Commission itself. Since occupying Kashmir in 1947, India had been engaged in a kind of genocide in the territory, including torture, murder, extrajudicial killings, harassment and rape, as a weapon of war. In view of its record not only in Kashmir but elsewhere, did India have any right to preach to other States on human rights?

29. The notion of territorial integrity applied only to territory that was part of the State, not to territories whose status was disputed or had not been determined. Pakistan had frequently approached India to negotiate and discuss Kashmir, an issue that bedevilled relations between the two countries, but India had rejected all its initiatives and chose to portray the Kashmiri people's struggle, which was indigenous, as foreign-sponsored terrorism.

30. Mr. BENJELLOUN-TOUIMI (Observer for Morocco), speaking in exercise of the right of reply, said that the statement made by the representative of International Educational Development raised two issues. Firstly, the principle of self-determination implied a choice, but the speaker appeared to offer only a single solution. Secondly, how could the speaker presume to talk on behalf of the entire people of Western Sahara? How could she know what they thought? He suggested that those making statements should do so without prejudice and those wishing to speak on behalf of a people should obtain a mandate to do so.

31. Mr. PRASAD (India), speaking in exercise of the right of reply, said he was glad to hear that Pakistan wanted dialogue, but it was the Prime Minister of India who had made the path-breaking journey to Pakistan in January 1999 in search of peace. The only response had been further incursions and aggressions in Kargil. India's recent announcement of a unilateral extension of the ceasefire with a view to restoring calm in Jammu and Kashmir had been met with heightened violent activity against civilians by terrorist groups, once again aided and abetted by Pakistan. India was interested in dialogue but the cross-border terrorism had to stop and a proper ambiance had to be created before meaningful progress could be made.

32. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that bilateral negotiations had failed many times previously, mainly due to India's obduracy. India did not want to address the issues in a serious manner. As for the latest in what had become a series of so-called unilateral ceasefires, India was merely playing to the international gallery in order to deflect growing criticism of its refusal to open the political process without preconditions, while Pakistan was ready to enter into dialogue at any place, any time and any level. The ceasefire was merely a cover for continued brutality and massive human violations.

33. The CHAIRPERSON said that the Commission had thus concluded the debate on agenda item 5.

34. Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (E/CN.4/2001/20, 21, 22 and 23)

35. Mr. ATCHEBRO (Office of the High Commissioner for Human Rights), introducing the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21) on behalf of the Special Rapporteur, said that the report addressed environmental racism and racial discrimination in the application of the death penalty and in anti-drugs campaigns in the United States. It also dealt with the situation in Côte d'Ivoire and the Libyan Arab Jamahiriya, and the Dalits in India. Anti-Semitism and racist violence in European countries, Australia and elsewhere was likewise covered. The Special Rapporteur furthermore reported on follow-up to various of his earlier field missions and on anti-racist actions by Governments and civil society in Europe.

36. The preparations for the forthcoming World Conference against Racism had prevented any missions from being undertaken in 2000, but a visit was now planned to Australia to look into the situation of the Aborigines, with particular reference to the rehabilitation of the generation of children taken from their families and placed in non-Aboriginal families or institutions.

37. The World Conference offered a unique opportunity for the human race to exorcize the demons of the past and set off on the road to greater humanity and fraternity. It should not be an exercise in mere rhetoric, but an occasion to reflect on the difficulty of accepting others in all their diversity: why were the only choices either assimilation to the characteristics of the majority, exclusion or elimination?

38. Humanity could advance only by acknowledging and repenting its past misdeeds. But not everyone was permitted to remember. Asking some to forget the past did victims and their descendants an injustice, for it could be seen as a continuation of the very denial of their humanity that had led to colonialism, the slave trade and genocide, and to massacres of those who demanded equal rights. Similarly, not all received reparation. Was it only military, economic or financial power that could compel those responsible for human rights violations to make reparation?

39. The Special Rapporteur looked forward to a time of hope when racism would be banished, not only by law, but also from minds and daily life, a time when all would be enriched by the diversity of others and would have the magnanimity to apologize and make amends if they denied the humanity of others. The months to come would be crucial for the international community, which should give no quarter in the fight against racism, racial discrimination, xenophobia and related intolerance.

40. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that no country could claim to be immune from the evils of racism and racial discrimination. Unfortunately, there had been an increase in racist incidents everywhere in recent years. The European Union was convinced that respect for the principle of non-discrimination, the promotion of tolerance and

respect for diversity, and the active participation of all members of society were conducive to stability and social cohesion. Governments had a responsibility to distribute resources equitably and strive for equality of opportunity for all.

41. Governments must demonstrate a real political will to implement the rights enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, which formed the basis of international cooperation to eradicate racism. The Union urged all States that had not yet done so to ratify or accede to the Convention in time for the World Conference. It also urged States parties to withdraw reservations that were otherwise incompatible with the aims of the Convention or with international treaty law and to consider making a declaration under article 14 of the Convention. Governments were urged to cooperate with the United Nations human rights mechanisms, and particularly with the Committee on the Elimination of Racial Discrimination, in their efforts to eradicate racism. The Union attached particular importance to cooperation between that Committee and other human rights mechanisms, United Nations agencies and NGOs.

42. The Union thanked the High Commissioner for Human Rights for her dedication to combating racism and supported her in her role as Secretary-General of the World Conference.

43. The European Union had demonstrated its commitment to eradicating racism in its own societies both through national and Union-level legislation and through actions such as the European Year against Racism and Xenophobia in 1997, which had led to the establishment of the European Monitoring Centre for Racism and Xenophobia in Vienna. The Treaty of Amsterdam and the recently adopted Charter of Fundamental Rights had enhanced the Union's ability to combat discrimination of all kinds, and there was a comprehensive legal framework prohibiting discrimination in employment, education, social protection, health care and access to goods and services.

44. At the regional level, the European Convention for the Protection of Human Rights and Fundamental Freedoms provided a solid legal framework for combating racism, and the Union was working with the Organization for Security and Cooperation in Europe (OSCE) to prevent violent conflicts by promoting inter-ethnic relations and tolerance.

45. The World Conference should provide new energy and direction and the impetus for substantial change at the grass-roots level. It would be an opportunity for Governments to reiterate their commitment to eradicating racism, in defence of democratic structures and society at large. The Union was committed to transparent and constructive participation in the preparatory process, which was in itself a strong mobilizing factor in the fight against racism. The Conference must be forward-looking and action-oriented, focusing on policy measures, education, training and information, and international cooperation. It should thoroughly examine the dynamics of discrimination and violence against women and develop strategies to eradicate gender-based racial discrimination. As the Commission on the Status of Women had recently concluded, the empowerment of women was an essential component of a proactive strategy to fight racism.

46. The European Union hoped that the regional preparatory processes, and the contributions from other parts of the United Nations system, including the Committee on the Elimination of

Discrimination against Women, would facilitate an understanding of the range of problems occurring around the world. NGOs also had a catalytic role to play and Governments should harness their experience and expertise. The Union was contributing EUR 3.6 million, through OHCHR, to help NGOs participate in the preparatory process and the Conference itself.

47. Mr. ZAFERA (Madagascar) paid tribute to all involved in the preparatory process for the World Conference, which had culminated in the presentation of the draft declaration and programme of action at the recent meeting of the Inter-Sessional Working Group. His delegation regretted, however, that the draft did not fully reflect the African position expressed at the Regional Conference for Africa. Africa was known to be the region that had suffered most from racism, racial discrimination and colonialism and his delegation could not accept a draft declaration and programme of action that drew a veil over certain historical injustices such as the transatlantic slave trade, which constituted a crime against humanity, or colonialism, whose evil consequences continued to be felt. His delegation considered the victims of such injustices had a legitimate right to reparation and hoped that a consensus would be reached on that subject in the course of the Preparatory Committee's work.

48. It was disturbing to note from the report of the Special Rapporteur (E/CN.4/2001/21), that racism continued to flourish in many regions in various forms, including the dissemination of racial hatred through Internet and the resurgence of racist ideologies. It was, however, encouraging to see from paragraph 157 of the report that significant advances had been made in raising awareness of the deleterious effects of racism. The international community must take determined action to reinforce the measures instituted at the national level and his delegation fully supported the proposals made in the Preparatory Committee with regard to strengthening cooperation at the international level and among the various United Nations mechanisms. The World Conference should be seen as an occasion to demonstrate real political will to eradicate racism.

49. Ms. ACOSTA (Mexico), speaking on behalf of the Latin American and Caribbean Group (GRULAC), said that racial diversity was the essence of her region. All the countries of the region had experienced racism in its many forms and understood that knowing the truth about the past was a vital step towards building the future on a solid foundation of justice, equality and solidarity.

50. The Regional Conference of the Americas, held in Santiago, Chile, in preparation for the World Conference, had recognized that the region's vast diversity enhanced human coexistence, tolerance, mutual respect and democratic political systems, all of which were fundamental to human dignity. As could be seen from the Declaration and Plan of Action which had emerged from that Conference (A/CONF.189/PC.2/7), there were a number of key concerns which the region believed it was essential to include in the final document for the World Conference. It was important, for example, to make reference to the historical causes and the political, economic and cultural context of the problems relating to racism. Paragraph 70 of the Declaration included a specific proposal to acknowledge, *inter alia*, that enslavement and the slave trade would constitute crimes under international law if they occurred today and that reparation should be made by the States that had benefited from such practices.

51. The countries of the region wished to express their determination to prevent and mitigate such negative effects of globalization as cultural homogenization and economic inequalities that might occur along racial lines, and to maximize the benefits by, for example, strengthening cooperation and inter-cultural exchange through the preservation and promotion of cultural diversity (Declaration, para. 10).

52. The final document must describe and characterize the victims of racism, without losing sight of the overall perspective. The Santiago Declaration contained separate sections on each category of victim: indigenous peoples, people of African descent and migrants, as well as others such as mestizos and victims of multiple discrimination.

53. GRULAC believed the World Conference should produce action-oriented recommendations for Governments and civil society, particularly NGOs and youth organizations, focusing on information and education, preventive measures and the use of new technologies in promoting tolerant behaviours and respect for diversity. Latin America and the Caribbean were firmly committed to the success of the Conference. The task was to collate the outcomes of the regional conferences in a comprehensive document. GRULAC was prepared to participate in the collective effort to produce universally acceptable recommendations and a political statement that took account of regional specificities and addressed the growing concerns of diverse social groups in the search for human dignity.

54. Mr. Despouy (Argentina), Chairperson, resumed the Chair.

55. Mr. JOHANSEN (Norway) said that Norway associated itself with the statement made by the observer for Sweden on behalf of the European Union. Despite efforts at the international, national and local levels, racism continued to pose exactly the same challenges. Apartheid might have been relegated to history, but pogroms, ethnic cleansing and genocide persisted: vigilance was essential, for the battle was not yet won. It was disconcerting to realize that instant access to other cultures and the availability of world music and ethnic food did not necessarily build tolerance and respect. Fears and questions remained, as well as a yearning for belonging and roots.

56. Recent events had demonstrated that racism and discriminatory attitudes existed in Norway, too, but they had also led to an intensification of grass-roots action against racism, particularly among young people. The Government was continually working to improve its legislation. To be successful, however, policies needed to address the root causes of racial prejudice and attitudes at all levels. The fight against poverty and equality of opportunity were fundamental.

57. Norway welcomed the efforts to focus on children and youth at the World Conference, and had involved civil society and NGOs in preparations for the event. It had made substantial budgetary contributions both to OHCHR and to South Africa and encouraged others to follow suit in order to make the Conference a success.

58. Mr. LA Yifan (China) said that the World Conference against Racism should review historical experience and formulate new strategies to combat the new forms of racism, including discrimination against immigrant workers and neo-Fascism, which were appearing in some Western developed countries and presented a serious challenge to the international cause of human rights.

59. The majority of countries in the world were developing countries, whose development had been adversely affected by colonialism, the slave trade and racism in general. Under the new shock of economic globalization, which challenged many countries' national sovereignty and economic security, it was not surprising that such countries demanded recognition of the crimes of colonialism and reparation for the victims of racism. China hoped that the Conference would address those issues.

60. Some countries were making every effort to dilute the significance of the Conference and weaken the declaration and programme of action. China opposed such practices and called on States to show flexibility and the political will to facilitate the preparations for the Conference.

61. China appreciated NGOs' contribution to the success of the Conference but hoped that OHCHR and the Preparatory Committee would handle applications by NGOs to attend the Conference in strict accordance with Economic and Social Council resolution 1996/31 and exclude those not meeting the criteria.

62. Lastly, as one of the first signatories of the International Convention on the Elimination of All Forms of Racial Discrimination, China had been an active participant in preparations for the World Conference and had made a financial contribution. It was ready to work together with other countries for the full success of the Conference.

63. Ms. DIALLO (Senegal), Chairperson of the first Preparatory Committee of the World Conference against Racism, said that the outcome of the two earlier Decades to Combat Racism had been far from satisfactory and the declarations and programmes of action of the first and second World Conferences, held in 1978 and 1983, respectively, had had limited success. The third World Conference should therefore be an opportunity for non-governmental and government delegations to reflect on that experience and develop early-warning systems and bold, effective measures to eradicate racism. The Conference should produce some mechanism for coordinating strategies and policies and address, as a matter of priority, the issue of increased resources to combat racism.

64. Her delegation believed that it was essential to deal with the root causes of racism and racial discrimination at the national level, for tolerance and respect for diversity were fundamental to a balanced and rich society, while it was discrimination in all its forms that gave rise to human rights violations. In Senegal, for example, political parties and associations were forbidden to identify with a single race, ethnic group, sect, language or religion. The Government had recently strengthened its anti-racist provisions by incorporating them into the new Constitution.

65. The Regional Conference for Africa had been an opportunity to make clear to the international community, in the context of the World Conference, the heavy price Africa had

paid for racism and racial discrimination. Through the slave trade and apartheid, Africa had learnt better than anyone the true meaning of racism, racial discrimination, xenophobia and intolerance. The slave trade had been the most iniquitous and inhuman aspect of a system of commercial exploitation based on the rejection of others, and should be declared a crime against humanity, like apartheid.

66. Representatives from Africa would be going to Durban in a spirit of tolerance, sharing and listening to others, but also of introspection, a process that, in Africa, raised images of the inter-ethnic tension and confrontation that was such a serious obstacle to peace and development in the continent. For Africa the success of the Conference was of great importance and every participant must make an effective, positive contribution to the preparatory process, which was now entering its final stages. Similarly, in the follow-up to the Conference, the political will expressed in its recommendations must be translated into action.

67. Mr. LUGRIS (Uruguay) said that his delegation associated itself with the statement made by Mexico on behalf of GRULAC. Uruguay had taken firm steps to establish a dialogue between civil society and State actors in order to prepare a national position for the World Conference against Racism.

68. Uruguay was committed to helping achieve consensus during the preparatory process. That would be necessary if the World Conference was to mark a real step forward from the previous World Conferences and if the final documents were to constitute an instrument for genuine action. Uruguay would emphasize the vital role of education, the media and new information technologies and would wish the final documents to pay due attention to vulnerable groups such as people of African descent and migrants. In that regard, he was pleased to announce that Uruguay had recently ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. Mr. KĀRKLIŅŠ (Latvia) said that his delegation associated itself with the statement made by the observer for Sweden on behalf of the European Union and associated countries. The international community had reached a stage where its members were expected to conform to a model of basic humanity. His delegation believed that it was time to integrate respect for human rights with the older traditional system of good governance. In a conceptually new situation where national interests were intertwined with human rights values, human rights could not remain a mere appendix to a nation's laws but should be seen as the essence of human security.

70. There were limits to the effectiveness of international legislation in the area of discrimination and intolerance. The need for judicial interpretation and adaptation of the international treaties and declarations setting legal standards for the prevention of racism showed that issues of racial discrimination had to be approached by other means also.

71. His Government had taken steps to incorporate human rights further into Latvia's legislation and had implemented a social integration programme whose first year of operation was shortly to be evaluated at a special conference that would also serve as preparation for the World Conference against Racism. Education was a key aspect of the programme and the teaching of tolerance and diversity was the cornerstone of Latvia's education system, which was

being reformed in line with the recommendations of the Central and Eastern European regional expert seminar held in Warsaw in July 2000 in preparation for the World Conference.

72. Changing migration patterns had made Latvia a country of immigration and asylum rather than of emigration, as in the past. At the World Conference, therefore, his delegation wished to address the issue of racism arising from migration and asylum-seeking, as part of the theme of sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.

73. His Government extended a standing invitation to all thematic special mechanisms of the Commission.

74. Ms. SCHELLONGOVÁ (Czech Republic) said that her delegation associated itself with the statement by the observer for Sweden on behalf of the European Union and associated countries.

75. The main cause of racism was fear of the unknown, fear of something not fully approved of. Instruments to combat racism had been developed at all levels but were not widely enough known; more effective use could be made of them. Protection against racism and similar phenomena was predominantly the responsibility of national Governments, and they should make full use of administrative and legislative provisions for prevention and deterrence and should mount awareness-raising and affirmative action campaigns. The Czech Republic, for example, issued annual reports on the activities of extremist groups and on the prosecution of racist offences committed by such groups, and had sponsored a nationwide campaign against racism. Draft legislation on minority rights was currently being debated in Parliament.

76. National Governments should also provide resources to support local and regional action on multicultural integration. The Czech Republic had allocated around US$ 550,000 to Roma integration projects and was providing credit guarantees for a European project on community housing for Roma.

77. At the international level, Governments should participate in projects promoting equality, as the Czech Republic was doing in the European Union's Programme of Aid for Central and Eastern Europe (PHARE) project on support for racial and ethnic equality. They should also accede to or ratify an international instrument against racism, such as the International Convention on the Elimination of All Forms of Racial Discrimination. States parties to that Convention should comply with their reporting obligations under article 9 and address the recommendations made in the Committee's concluding observations, and they were also urged, if they had not already done so, to make a declaration under article 14 of the Convention concerning individual communications.

78. Mr. PALWANKAR (Observer for the International Committee of the Red Cross) said that the World Conference should address the issue of non-discrimination in situations of armed conflict. ICRC, whose mandate was to protect and assist victims of armed conflict, had submitted concrete proposals for the draft declaration and programme of action.

79. The principle of non-discrimination underlay all international humanitarian law, which aimed primarily to protect the victims of armed conflict and to limit the means and methods of warfare. Contemporary humanitarian law, embodied in the four 1949 Geneva Conventions and their two 1977 Additional Protocols, specifically prohibited discrimination in a number of provisions relating to both international and non-international armed conflict.

80. ICRC, as guardian of international humanitarian law, believed that the proceedings and documents of the World Conference should reflect the importance of non-discrimination as a basic tenet of that law. States had a duty to take legal and practical measures to comply with treaty provisions prohibiting discrimination, both before an armed conflict broke out and during a conflict, including prosecuting and punishing those responsible for violations. ICRC considered that the Conference should pay appropriate attention to the issue of impunity and call on States to enact legislation prohibiting and punishing war crimes and enabling the application of the principle of universal jurisdiction in their prosecution.

The meeting rose at 9 p.m.